

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER VINCENT D'AGOSTINO

Write the full name of each plaintiff.

-against-

TOWN OF POUND RIDGE

DAVE RYAN

POUND RIDGE FIRE DISTRICT

STEVEN EIDAM

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

7:19 CV 03053-CS

(Include case number if one has been assigned)

AMENDED
COMPLAINT



Do you want a jury trial?

☒ Yes ☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?
Under section 1983 of Title 42 of the United States Code (42 U.S.C. § 1983), my 1st, 2nd, 4th & 14th

Amendments Rights. Under Title VII of the Civil Rights Act as amended, Malicious Conduct & Prosecution, False Arrest, Abuse of
Process, Unequal Treatment & protection, Defamation. Slander, Libel, Sexual, Physical, Mental & Verbal Harrassment
Retaliation, Right to Petition the Government, breach of contract, right to due process, Right to Privacy & property,

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing
information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Peter	V.	D'Agostino
First Name	Middle Initial	Last Name
54 Major Lockwood Lane		
Street Address		
Pound Ridge		
County, City	State	Zip Code
914-438-1175	dags2406@gmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	Town of Pound Ridge Municipal Corp.		
	First Name	Last Name	
	Duly established existing pursuant to laws of the State of New York		
	Current Job Title (or other identifying information)		
	179 Westchester Avenue		
	Current Work Address (or other address where defendant may be served)		
	Westchester, Pound Ridge	NY	10576
	County, City	State	Zip Code

Defendant 2:	David	Ryan
	First Name	Last Name
	Chief of Police (PRPD)	
	Current Job Title (or other identifying information)	
	177 Westchester Avenue	
	Current Work Address (or other address where defendant may be served)	
	Westchester, Pound Ridge NY	10576
	County, City	State Zip Code

Defendant 3:	Steven	Eidam
	First Name	Last Name
	Ex-Chief, Chief, Asst. Chief, Deputy Chief, Officer, Member	
	Current Job Title (or other identifying information)	
	Pound Ridge Fire Department, 80 Westchester Avenue	
	Current Work Address (or other address where defendant may be served)	
	Westchester, Pound Ridge NY	10576
	County, City	State Zip Code

Defendant 4: **Pound Ridge Fire District**

First Name

Last Name

Current Job Title (or other identifying information)

PO Box 468, 80 Westchester Avenue

Current Work Address (or other address where defendant may be served)

Westchester, Pound Ridge NY 10576

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: **Westchester County, Town of Pound Ridge, Town of Lewisboro, White Plains**Date(s) of occurrence: **April 2016-to present****FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

The hunting rifle left to me by my Grandfather was being held because of an order of protection which expired on November 14,2018. Despite multiple requests, Dave Ryan Chief of Police will not return it. I allege Chief of Police Dave Ryan & Steven Eidam, one of the Pound Ridge Fire Chiefs, misused their influence, authority and abused their positions for their individual & mutual purposes and agendas damaging me & my children.

The orders of protection I was given, I claim resulted from their actions, false claims, reports & two false arrests back in April of 2016. As a 20 year member of the PRFD, my good standing, my participation & reputation at the Pound Ridge Firehouse have all been adversely affected & I am being pushed out. Our family's standing & reputation in this small town has been badly damaged. My daughter & I feel we are living here without police protection because of a police chief, biased against us, who has ignored our serious concerns & threats to us. There has been ongoing harassment, discrimination & violation of our rights. Our lives have been completely turned upside down and as a result, my daughter and I continue to struggle. (continued-)

My daughter was 17 when this began. I was awarded custody approximately one week after my first arrest. She went on to be an honor student at Cornell & I continued to be her sole means of financial support, aside from the court ordered \$25 minimum monthly contribution her mother made directly to Cornell. Initially the police had me ordered not to be able to communicate with either of my children (my son 21- born 5/3/94,) or anyone from the Fire Department.
Continued - See Attached

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

See Attached:

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

See Attached:

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

10/28/20
 Dated _____ Plaintiff's Signature _____
 Peter V D'Agostino
 First Name Middle Initial Last Name
 54 MAJON LOCKWOOD LN.
 Street Address
 Westchester, Round Ridge, N.Y. 10576
 County, City State Zip Code
 914-438-1125
 Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The plaintiff's family was destroyed because of what the defendants did. They abused their power & positions and I was powerless to stop them from taking away what mattered above all else in my life.

As a consequence of being falsely arrested & threatened with arrest, the Plaintiff & his daughter, Alyssa were deprived of their liberties & made to suffer humiliation embarrassment & mental anguish. We suffered significant economic & non economic damages & were displaced from our home for a year. Defendants acted maliciously & in willful reckless & wanton disregard for our rights. Plaintiff's legal firearm was taken & my rights for its return or to obtain others continue to be obstructed. We continued to be injured by ongoing defamation.

As a direct and proximate consequence of the acts of Defendants, the plaintiff and his daughter have suffered and continue to suffer damages through injury to person, financial loss and personal property. For a period of one year they were displaced from their home, denied access to it & to the plaintiff's office. As such, they were deprived of personal possessions, prevented from obtaining essentials needed for their well-being, personal dignity, legal defense, work, school and to manage their affairs. Plaintiff was prevented from maintaining the physical property and from retrieving items of critical importance from the home.

Plaintiff & his daughter received psychiatric treatment for symptoms manifested by actions of Defendants since their onset. We have continued collaterally in the context of family therapy for treatment for Post-traumatic Stress Disorder.

Alyssa has been severely impacted, manifesting severe health issues. In 2017 six ulcers were revealed by an endoscopy done at Weill Cornell. Her stomach issues have persisted, warranting a colonoscopy this past Dec on the 24th. Gastrointestinal, autoimmune, respiratory and dermatological flare-ups exacerbated by the stress, at times have left her incapacitated and impacted her day to day functioning. Additionally Alyssa struggles with sleep disorders with insomnia, early morning awakening, nocturnal variations, and nightmares. Her self esteem has been impacted and issues stemming from her abandonment persist.

Plaintiff's PTSD has been directly attributed to the actions of the defendants. The symptoms include both physical & psychological in nature & include: psoriatic flare-ups, GI problems, eye problems, chronic headaches, chronic anxiety, decreased focus and concentration, procrastination, difficulty completing and prioritizing tasks, indecisiveness,

agitation, pacing, pressured thoughts, hypervigilance, flashbacks, nightmares, chronic pain, weakened immune system, exaggerated startle response, phobia of things associated with the trauma and events, grief stemming from the loss of loved ones, low self esteem, feelings of helplessness and hopelessness. It has further negatively impacted my ability to function at work in NYC and maintain full function in my capacity/role as a firefighter. Many of our relationships, both personal and professional, in the community were adversely & continue to be negatively impacted. Finally both the plaintiff and Alyssa continue to manifest symptoms of housing insecurity.

Financial injury- while fighting for interim occupancy the plaintiff incurred significant debt having to pay for temporary living expenses for myself & daughter. At the same time I was covering all the expenses from my wife & the family residence all while financing the costs of litigation in criminal, family and divorce court. The Domestic Violence Setup led to the plaintiff's arrests, restraining orders, legal actions, medical expenses, hotel expenses, maintenance expenses, etc, that well exceeded \$100k and I have significant credit card & personal debt that I am carrying now exceeding \$100k. My life long impeccable credit rating has been adversely impacted hindering my ability to get financing. This also enabled my ex wife to get away with stealing from us, hiding assets & financials in Court cheating me & my daughter out of much more.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims

Request that the Court assume jurisdiction over this action & all parties. Award to plaintiff compensatory & punitive damages against each defendant from whom they are recoverable. Recoverable attorney fees & litigation costs associated with this matter and that resulted from the actions of the defendants. Order all records adversely affecting the plaintiff prior to these false accusations/ arrests be expunged & his rights be restored. Award such additional relief as the court deems just, proper & equitable including injunctive relief.

INJUNCTIVE RELIEF

A real and immediate difference exists between Plaintiff and Defendants regarding Plaintiff's family's rights and Defendants' duties & responsibilities and legal, professional, ethical & contractual obligations. Without relief the Defendants' policies and actions will continue to result in irreparable injury to Plaintiff and/or his daughter. Historically defendants' actions have made their bias against the plaintiff and his daughter evident. Unless restrained by this Court, Defendants will continue to implement these policies and practices.

Plaintiff is not aware of any plain, adequate or complete remedy at law to address the wrongs described herein and seeks the courts guidance for one.

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